IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1970
No. 762

TILDEN W. JOHNSON,

Appellant,

vs.

GOODYEAR TIRE & RUBBER CO., FORD MOTOR COMPANY,

Appellees.

---

# PETITION FOR RECONSIDERATION AND/OR REHEARING

---

TILDEN W. JOHNSON
5630 Sawtelle Boulevard
Culver City, California 90230
(213) 398-1605 or 388-7104

In Per Se

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1970
No. 762

TILDEN W. JOHNSON,

Appellant,

vs.

GOODYEAR TIRE & RUBBER CO., FORD MOTOR COMPANY,

Appellees.

---

# PETITION FOR REHEARING

---

## I

Petitioner prays that this court grant a rehearing and/or reconsideration of the action taken Dec. 21, 1970, that reads:

> "The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for a writ of certiorari, certiorari is denied. Mr. Justice Blackmun took no part in the consideration or decision of this case."

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1970
No. 752

TILDEN W. JOHNSON,

Appellant,

vs.

GOODYEAR TIRE & RUBBER
CO., FORD MOTOR COMPANY,

Appellees.

---

PETITION FOR REHEARING

---

Petitioner prays that this court grant a rehearing and/or reconsideration of the action taken Dec. 21, 1970, that reads:

"The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for a writ of certiorari, certiorari is denied. Mr. Justice Blackmun took no part in the consideration or decision of this case."

1.

In a letter of Dec. 29, 1970, the Clerk of the Court, Mr. E. Robert Seaver advised that since the vote of the 8 justices was not a matter of public record, he could not state the vote which raises the possibility I might get 4 votes for jurisdiction or certiorari if Justice Blackmun was included in the voting justices. Hence I file this brief request for reconsideration by a full panel of 9 justices of the U.S. Supreme Court.

II

To more clearly prove court jurisdiction, appellant refers to 12-14-70 Article in "U.S. News & World Reports" by Chief Justice Warren E. Burger and by reference makes said article a part hereof. That article discussed ancient and inefficient methods preventing better supervision of the courts to cope with present day problems presented to the court and the excessive work load that present methods now imposes on the panel of 9 justices, and need for elimination of some direct appeals to the U.S. Supreme Court to lessen court load.

However, limitation of the right to appeal and disposing of 90% of current appeals by refusing to hear because of not enough national importance is an invitation to lower courts to engage in skull duggery, peddling the right to write the findings to the litigants, forcing the litigant writing the findings to make several erroneous and/or downright false findings so in case of investigation the court can point out

In a letter of Dec. 28, 1970, the Clerk of the Court, Mr. E. Robert Seaver advised that since the vote on the 3 petitions was not a matter of public record, he could not state the vote which raises the possibility I might get 4 votes for jurisdiction or cert.orari if Justice Blackmun was included in the voting justices. Hence I file this brief request for reconsideration by a full panel of 9 justices of the U.S. Supreme Court.

To more clearly prove court jurisdiction, appellant refers to 12-14-70 Article in "U.S. News & World Report" by Chief Justice Warren E. Burger and by reference makes said article a part hereof. That article discussed ancient and inefficient methods preventing better supervision of the courts to cope with present day problems presented to the court and the excessive work load that present methods now imposes on the panel of 9 justices, and need for elimination of some direct appeals to the U.S. Supreme Court to lessen court load.

However, limitation of the right to appeal and disposing of 90% of current appeals by refusing to hear because of not enough national importance is an invitation to lower courts to engage in skull duggery, peddling the right to write the findings to the litigants, forcing the litigant writing the findings to make several erroneous and/or downright false findings so in case of investigation the court can point out

it was deceived and did not write the findings and that because of misapprehension from deceit still had the right to recall the remittitur and correct the judgment to correspond with the facts, Southwest Inv. v. L.A., 38 Cal. 2d 632. Further, 20 superior court judges with political pull can deliberately make several hundred wrong decisions so the wronged party will appeal. Then when the appellate court is overloaded, they can apply for appellate appointment and take turns whitewashing each other's lower court decisions. Court transcripts can be overpriced, reporters overpaid and erroneous decisions used to force the wronged party to buy the transcript in order to appeal and transcript fees split. When judicial salaries are high, it is a waste of time to try to correct with more high priced help to continue to make such errors. In the business world such acts are met by prompt termination of the services of involved personnel and/or prosecution.

It is clear acts as in the above paragraph violates due process of law and equal protection of law. Thus the U.S. Supreme Court should begin allowing appeal when such acts can be proved whether the 14th Amendment and due process was pleaded in the original pleading. The U.S. Supreme Court can do a better job of supervising lower courts over the U.S.A. and still lessen its time consuming job load by encouraging all litigants to cite all instances of erroneous findings and court irregularity and holding jurisdiction in practically all cases. Then as the facts develop in the brief, the court should engage a staff to apply the facts to induce state courts to recall remittiturs and correct their own judgments under penalty of having

their conduct exposed to disciplinary authority unless the parties take corrective equitable action. If this policy was followed, thousands of cases would be settled or recalled by remittitur recall and tried anew without the necessity of the U.S. Supreme Court finally hearing the appeal or writing an opinion. Unless the U.S. Supreme Court finds some way to improve justice generally, it is almost a sure thing Congress under its authority to continuously investigate good behavior will establish a non-legal civilian controlled agency to do the job along the lines above set forth to bring business efficiency and supervision to the courts.

Any such agency that kept as a matter of law open records of reports made to it and periodically called the attention of Congress, State Legislatures and Governors and the Press to them can be much more effective in improving courts than District Attorneys, Grand Juries, Investigative Agencies and Court disciplinary Judicial Councils because the later organizations take up information and accumulate files but give out no information. Thus they can profit from information in their files by securing for themselves favors from the transgressors without informing the public or doing anything for the wronged party. Thus the U.S. Supreme Court should hold jurisdiction in 90% of the appeals coming to it, permit the appellant to cite erroneous and inequitable court procedure, and when it appeared the appellees wrote the findings signed by the trial court require the appellees to show the findings they wrote for the trial court were true and not allow appellees to plead the

findings and decisions as correct just because they were signed by the trial judge. If the U.S. Supreme Court adopts this practice, almost 80% of cases appealed to it will be settled by the appellees before they will try to prove the accuracy of the findings they wrote for the trial court below. Consequently the U.S. Supreme Court will thus finally have to hear and write opinions on but a very small percent of appeals accepted.

III

The Jurisdictional Statement of the case on pages 9 through 15 highlights the principal points involved in the appeal, i.e., it later developed Federal Judge William C. Mathes (now deceased) who permitted appellees to write the findings and decision in 1958, while the university he depended on for advancement was drawing about $4,000,000. a year from the principal stockholder and he was connected through the Bar Association with appellee attorneys, either made a decision contrary to Federal Rules and Laws or he only made an interlocutory judgment on negligence. Further the Ninth Circuit Appeal panel was depending for judicial advancement on universities likewise drawing big sums from the principal stockholder, and left the case by their decision still pending in federal court for Calif. State Trial or their decisions were void for undeclared conflict of interest (see Appeal 459, Oct. Term 1965). Anyway a motion for judgment after Appeal 459 returned in 1965 is still held off-calendar in Fed. Dist. Court in Los Angeles despite the fact Judge Mathes told appellees in

the Fall of 1964 if the case returned to him, they were like probationers and he would grant appellant judgment for the face of the suit with interest since May 22, 1958. Judge Mathes died before he could hear the case.

Judge Irving Hill the Calif. Superior Court Judge who tried the case at issue in May 1964 on causes II, IV, and VI as to Ford and Goodyear either made a void judgment in 1964 because of undeclared adverse financial interests worse than those cited in the Federal action, or he by letting the appellees write erroneous findings gave them by his finding 8 only an interlocutory judgment, leaving the Calif. Superior Court to still try or dispose of causes I, III, and V as to Ford and Goodyear. The motion for further trial or dismissal for appeal of causes I, III, and V as to Ford and Goodyear ruled on in denial of the motion by Judge Kenny and Div. 5 of the Calif. Court of Appeal, Second Appellate District, appealed herein is void for Div. 5 having undeclared adverse financial interests or appealed herein judgment of Div. 5 is subject to recall of remittitur for Div. 5 misapprehension of fact that the Appellate Decision opinion, unpublished, in 1968 that Div. 5 opinion relied on herein as terminating the action was void for that appellate division's admitted lack of jurisdiction to hear that appeal in 1968 were its author Pro. Tem. Justice Katz in the first sentence of the opinion dismissed as non-appealable the only appealed motion before Judge Nix that could be held a dismissal of causes I, III and V. This then had the legal effect of dismissing the Judge Hill judgment in 1964 as premature and non-appealable. The appealed opinion violates due process by overlooking that fact.

This matter should be clarified by filing of briefs. Unless said Div. 5 opinion by Assoc. Justice Reppy errs for lack of due process and misapprehension of facts in holding Judge Hill's Judgment was sustained as a dismissal, then the panel involved and the Calif. Supreme Court's universities got about $7,000,000. from the principal stockholder involved in the suit while they were deciding in favor of the appellees in 1968. On the other hand if the 1968 Calif. Appellate Court opinion was in law only a dismissal of the Judge Hill decision as premature and non-appealable, then the appellee stockholder paid the money in 1968 despite an adverse ruling. There is a vast difference between the two possibilities, in law violations and propriety of court deicisions.

If the U. S. Supreme Court lets this matter go unheeded, the growing knowledge of these occurences decreases public respect for the courts generally (see Tumey v. Ohio, 47 S. Ct. 437 and Payne v. Lee, 222 Minn. 269).

## CONCLUSION

Based on the foregoing and matter in the elaborate briefs on file from the State Court in the record on appeal, appellant respectfully submits that the inequities and issues of national importance presented should prompt the Supreme Court of the United States to exercise its jurisdiction

in this case by accepting appeal and/or granting certiorari.

Respectfully submitted,

TILDEN W. JOHNSON

In Propria Persona

## CERTIFICATE

I, hereby certify under penalty of perjury, Sec. 2015.5 Code of Civil Proc. of Calif. that the foregoing Petition for a rehearing and/or reconsideration is presented in good faith and not for delay and is restricted to grounds specified in Rule 58 of the Rules of this Court.

Signed in Los Angeles Calif.
January 11, 1971.

Tilden W. Johnson